



COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

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## PLANNING COMMISSION

TUESDAY, FEBRUARY 25, 2003

CITY COUNCIL CHAMBERS  
CIVIC CENTER  
17555 PEAK AVENUE  
MORGAN HILL, CA

### COMMISSIONERS

CHAIR GENO ACEVEDO  
VICE-CHAIR JOSEPH MUELLER  
COMMISSIONER ROBERT J. BENICH  
COMMISSIONER ROBERT ENGLES  
COMMISSIONER ROBERT L. ESCOBAR  
COMMISSIONER RALPH LYLE  
COMMISSIONER CHARLES D. WESTON

**REGULAR MEETING - 7:00 P.M.**

### **\*\*\* A G E N D A \*\*\***

### NOTICE TO THE PUBLIC

*The following policies shall govern the conduct of the Planning Commission meetings:*

- *All Planning Commission proceedings are tape-recorded.*
- *Individuals wishing to address the Planning Commission on a particular item should fill out a speaker card and present it to the Secretary. This will assist the Chairperson in hearing your comments at the appropriate time.*
- *When the Chairperson invites you to address the Commission, please state your name and address at the beginning of your remarks.*
- *Speakers will be recognized to offer presentations in the following order:*
  - *Those supporting the application*
  - *Those opposing the application*
  - *Those with general concerns or comments*
  - *Presentations are limited to 5 minutes.*

**DECLARATION OF POSTING OF AGENDA IN ACCORDANCE WITH  
GOVERNMENT CODE SECTION 54954.2 - SECRETARY REPORT**

**OPEN PUBLIC COMMENT PERIOD (5 MINUTES)**

Now is the time for presentation from the public on items **NOT** appearing on the agenda that are within the Planning Commission's jurisdiction. Should your comments require Commission action, your request will be placed on the next appropriate agenda. No Commission discussion or action may be taken until your item appears on a future agenda. You may contact the Planning Division for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your comments to five (5) minutes.

**MINUTES:** February 11, 2003

**OLD BUSINESS:**

1. **ZONING AMENDMENT, ZA-02-18: COCHRANE-IN-N-OUT BURGER/APPLEBEE'S:** A request for approval to amend the precise development plan for the Planned Unit Development located at the NW quadrant of Cochrane Rd and Hwy 101 to allow for a 3,253-sf drive-thru fast food restaurant and a sit-down restaurant (5,000 to 6,500 sf. in size) on a 2.49-acre site. (APNs 726-33-023 & -024)

**Recommendation:** Open public hearing/Recommend approval of Mitigated Negative Declaration and adopt Resolution No. 03-06A, recommending Council approval of a PUD amendment to allow for the construction of a sit-down restaurant (5,000 to 6,500 sf. in size), with conditions, and denial of a drive-thru fast food use; or if the Commission wishes, adopt Resolution No. 03-06B, recommending Council approval of both the sit-down restaurant (5,000 to 6,500 sf. in size) and drive-thru fast food use.

2. **USE PERMIT, UP-02-12: COCHRANE-IN-N-OUT BURGER/APPLEBEE'S:** A request for approval to allow for an approximate 3,253-sf drive-thru fast food facility to be located at the NW quadrant of Cochrane Rd and Hwy 101. (APNs 726-33-023 & -024)

**Recommendation:** Open public hearing/Adopt Resolution No. 03-07A, denying the request; or if the Commission wishes, Adopt Resolution No. 03-07B, approving the request.

**NEW BUSINESS:**

3. **ZONING AMENDMENT, ZA-02-21: CITY OF MORGAN HILL-AMENDMENT OF ZONING MAP:** : A City initiated proposal to amend the zoning designation on properties not in compliance with the General Plan. A complete list of affected properties can be obtained from the Community Development Department and are described in the staff report for this item. A Master Environmental Impact Report (EIR) has been adopted to evaluate the potential environmental consequences of the proposed rezonings.

**Recommendation:** Open public hearing/Adopt Resolution No. 03-13, with recommendation to

**PLANNING COMMISSION AGENDA**

**FEBRUARY 25, 2003**

**PAGE 3**

forward the request to the City Council for approval.

**OTHER BUSINESS:**

**4. MICRO MEASURE P, MMP-03-02: DEWITT-MARQUEZ/GLUHAICH, PROJECT ELIGIBILITY:**

**Recommendation:** Determine if project is eligible to compete as a Micro Project.

**5. FENCE HEIGHT REVIEW:**

**Recommendation:** Amendment to Section 18.56.070 of the Municipal Code, increasing the maximum fence height to seven feet and eliminating certain exceptions under Section 18.56.150 of the Code.

**TENTATIVE UPCOMING AGENDA ITEM FOR THE MARCH 11, 2003 MEETING:**

- UPA-92-04: Monterey-DiVitorrio
- DA-03-01: Christeph-Kamangar/Pine Brothers Trust
- MP-02-03: Tilton-Glenrock Builders/Shea Homes
- MP-02-04: Central-Prosperity/Delco
- MP-02-05: Watsonville-Day
- MP-02-06: E. Dunne-Dempsey
- MP-02-07: Cory-San Pedro Partners
- MP-02-08: Central-Hu
- MP-02-09: Tilton-Barnick
- MP-02-10: Cochrane-Borello
- MP-02-11: Barrett-Syncon Homes
- MP-02-12: Peet-Lupine Investors/Borello
- MP-02-13: E. Main-Marrad
- MP-02-14: Cochrane-Coyote Estates

**ANNOUNCEMENTS:**

**CITY COUNCIL REPORTS**

**ADJOURNMENT**

**SPEAKER CARD**

*IN ACCORDANCE WITH GOVERNMENT CODE 54953.3, IT IS NOT A REQUIREMENT TO FILL OUT A SPEAKER CARD IN ORDER TO SPEAK TO THE PLANNING COMMISSION. HOWEVER, it is very helpful to the Commission if you would fill out the Speaker Card that is available on the counter in the Council Chambers. Please fill out the card and return it to the Deputy City Clerk. As your name is called by the Chairperson, please walk to the podium and speak directly into the microphone. Clearly state your name and address and proceed to comment upon the agenda item. Please limit your remarks to three (3) minutes.*

**NOTICE**

**PLANNING COMMISSION AGENDA**

**FEBRUARY 25, 2003**

**PAGE 4**

**AMERICANS WITH DISABILITY ACT (ADA)**

*The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.*

*If assistance is needed regarding any item appearing on the Planning Commission agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or Hearing Impaired only - TDD 776-7381 to request accommodation.*

**NOTICE**

*NOTICE IS GIVEN pursuant to Government Code Section 65009, that any challenge of any of the above agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to the Public Hearing on these matters.*

**NOTICE**

*The time within which judicial review must be sought of the action taken by the Planning Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.*